

67-30-03

1652

Please type a plus sign inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

to be used for all correspondence after initial filing)

Application Number 09/851,650

Filing Date May 8, 2001

First Named Inventor Philip J. BARR

Group Art Unit 1652

Examiner Name Kathleen M. Kerr

Total Number of Pages in This Submission

88

Attorney Docket Number

300622001610

RECEIVED

AUG 01 2003

TECH CENTER 1600/2900

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form (1 page, plus duplicate)☐ Fee Attached☒ Amendment/Reply (39 pages, plus attachments as listed under "other enclosures")☐ After Final☐ Affidavits/declaration(s)☒ Extension of Time Request (1 page, plus duplicate)☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Assignment Papers (for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s)☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below)

Attached to the Amendment are:

1. Article by Lambalot, et al., Chemistry & Biology, 3:923-936 (1996) (14 pages)
2. *Integra v. Merck*, 66 U.S.P.Q. 2d (2003) (13 pages)
3. *Ex parte Mark*, 12 U.S.P.Q. 2d (1989) (3 pages)
4. Copy of Prelim. Amendment, etc. submitted 7/11/02 (14 pages)

Remarks

CUSTOMER NO. 25225

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm

or

Individual Name

MORRISON & FOERSTER LLP
Brenda J. Wallach - 45,193

Signature

Brenda J Wallach

Date

July 28, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 273019357 US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: July 28, 2003

Signature: *Diane Blevins*

(Diane Blevins)



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003 <small>Patent fees are subject to annual revision.</small>		Complete if Known	
		Application Number	09/851,650
		Filing Date	May 8, 2001
		First Named Inventor	Philip J. BARR
		Examiner Name	Kathleen M. Kerr
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27	Group Art Unit	1652	
TOTAL AMOUNT OF PAYMENT (\$) 930.00		Attorney Docket No.	300622001610

RECEIVED

AUG 01 2003

TECH CENTER 1600/2900

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																											
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None		3. ADDITIONAL FEES																																																																																																																																																																																											
<input checked="" type="checkbox"/> Deposit Account																																																																																																																																																																																													
Deposit Account Number: 03-1952																																																																																																																																																																																													
Deposit Account Name: Morrison & Foerster LLP																																																																																																																																																																																													
The Commissioner is hereby authorized to: (check all that apply)																																																																																																																																																																																													
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments																																																																																																																																																																																													
<input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application																																																																																																																																																																																													
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.																																																																																																																																																																																													
FEE CALCULATION																																																																																																																																																																																													
1. BASIC FILING FEE																																																																																																																																																																																													
<table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Code</th><th>Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>1001</td><td>2001</td><td>750</td><td>375</td><td>Utility filing fee</td><td></td></tr><tr><td>1002</td><td>2002</td><td>330</td><td>165</td><td>Design filing fee</td><td></td></tr><tr><td>1003</td><td>2003</td><td>520</td><td>260</td><td>Plant filing fee</td><td></td></tr><tr><td>1004</td><td>2004</td><td>750</td><td>375</td><td>Reissue filing fee</td><td></td></tr><tr><td>1005</td><td>2005</td><td>160</td><td>80</td><td>Provisional filing fee</td><td></td></tr><tr><td colspan="4">SUBTOTAL (1)</td><td>(\$)</td><td>0.00</td></tr></tbody></table>		Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid	1001	2001	750	375	Utility filing fee		1002	2002	330	165	Design filing fee		1003	2003	520	260	Plant filing fee		1004	2004	750	375	Reissue filing fee		1005	2005	160	80	Provisional filing fee		SUBTOTAL (1)				(\$)	0.00																																																																																																																																																		
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																								
1001	2001	750	375	Utility filing fee																																																																																																																																																																																									
1002	2002	330	165	Design filing fee																																																																																																																																																																																									
1003	2003	520	260	Plant filing fee																																																																																																																																																																																									
1004	2004	750	375	Reissue filing fee																																																																																																																																																																																									
1005	2005	160	80	Provisional filing fee																																																																																																																																																																																									
SUBTOTAL (1)				(\$)	0.00																																																																																																																																																																																								
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE																																																																																																																																																																																													
<table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Code</th><th>Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>1202</td><td>2202</td><td>18</td><td>9</td><td>Claims in excess of 20</td><td></td></tr><tr><td>1201</td><td>2201</td><td>84</td><td>42</td><td>Independent claims in excess of 3</td><td></td></tr><tr><td>1203</td><td>2203</td><td>280</td><td>140</td><td>Multiple dependent claim, if not paid</td><td></td></tr><tr><td>1204</td><td>2204</td><td>84</td><td>42</td><td>** Reissue independent claims over original patent</td><td></td></tr><tr><td>1205</td><td>2205</td><td>18</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr><tr><td colspan="4">SUBTOTAL (2)</td><td>(\$)</td><td>0.00</td></tr></tbody></table>		Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid	1202	2202	18	9	Claims in excess of 20		1201	2201	84	42	Independent claims in excess of 3		1203	2203	280	140	Multiple dependent claim, if not paid		1204	2204	84	42	** Reissue independent claims over original patent		1205	2205	18	9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)				(\$)	0.00																																																																																																																																																		
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																								
1202	2202	18	9	Claims in excess of 20																																																																																																																																																																																									
1201	2201	84	42	Independent claims in excess of 3																																																																																																																																																																																									
1203	2203	280	140	Multiple dependent claim, if not paid																																																																																																																																																																																									
1204	2204	84	42	** Reissue independent claims over original patent																																																																																																																																																																																									
1205	2205	18	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																									
SUBTOTAL (2)				(\$)	0.00																																																																																																																																																																																								
3. ADDITIONAL FEES																																																																																																																																																																																													
<table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Code</th><th>Fee (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>1051</td><td>2051</td><td>130</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>1052</td><td>2052</td><td>50</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr><tr><td>1053</td><td>2053</td><td>130</td><td>130</td><td>Non-English specification</td><td></td></tr><tr><td>1812</td><td>2520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr><tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>1251</td><td>2251</td><td>110</td><td>55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>1252</td><td>2252</td><td>410</td><td>205</td><td>Extension for reply within second month</td><td></td></tr><tr><td>1253</td><td>2253</td><td>930</td><td>465</td><td>Extension for reply within third month</td><td>930.00</td></tr><tr><td>1254</td><td>2254</td><td>1,450</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>1255</td><td>2255</td><td>1,970</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>1401</td><td>2401</td><td>320</td><td>160</td><td>Notice of Appeal</td><td></td></tr><tr><td>1402</td><td>2402</td><td>320</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>1403</td><td>2403</td><td>280</td><td>140</td><td>Request for oral hearing</td><td></td></tr><tr><td>1451</td><td>2451</td><td>1,510</td><td>755</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>1452</td><td>2452</td><td>110</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>1453</td><td>2453</td><td>1,300</td><td>650</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>1501</td><td>2501</td><td>1,300</td><td>650</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>1502</td><td>2502</td><td>470</td><td>235</td><td>Design issue fee</td><td></td></tr><tr><td>1503</td><td>2503</td><td>630</td><td>315</td><td>Plant issue fee</td><td></td></tr><tr><td>1460</td><td>2460</td><td>130</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>1807</td><td>2807</td><td>50</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr><tr><td>1806</td><td>2806</td><td>180</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>8021</td><td>8021</td><td>40</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>1809</td><td>2809</td><td>750</td><td>375</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr><tr><td>1810</td><td>2810</td><td>750</td><td>375</td><td>For each additional invention to be examined (37CFR 1.129(b))</td><td></td></tr><tr><td>1801</td><td>2801</td><td>750</td><td>375</td><td>Request for Continued Examination (RCE)</td><td></td></tr><tr><td>1802</td><td>2802</td><td>900</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr><tr><td colspan="4">Other fee (specify)</td><td></td><td></td></tr><tr><td colspan="4">SUBTOTAL (3)</td><td>(\$)</td><td>930.00</td></tr></tbody></table>		Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid	1051	2051	130	65	Surcharge - late filing fee or oath		1052	2052	50	25	Surcharge - late provisional filing fee or cover sheet.		1053	2053	130	130	Non-English specification		1812	2520	1812	2,520	For filing a request for ex parte reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	2251	110	55	Extension for reply within first month		1252	2252	410	205	Extension for reply within second month		1253	2253	930	465	Extension for reply within third month	930.00	1254	2254	1,450	725	Extension for reply within fourth month		1255	2255	1,970	985	Extension for reply within fifth month		1401	2401	320	160	Notice of Appeal		1402	2402	320	160	Filing a brief in support of an appeal		1403	2403	280	140	Request for oral hearing		1451	2451	1,510	755	Petition to institute a public use proceeding		1452	2452	110	55	Petition to revive - unavoidable		1453	2453	1,300	650	Petition to revive - unintentional		1501	2501	1,300	650	Utility issue fee (or reissue)		1502	2502	470	235	Design issue fee		1503	2503	630	315	Plant issue fee		1460	2460	130	130	Petitions to the Commissioner		1807	2807	50	50	Processing fee under 37 CFR 1.17(q)		1806	2806	180	180	Submission of Information Disclosure Stmt		8021	8021	40	40	Recording each patent assignment per property (times number of properties)		1809	2809	750	375	Filing a submission after final rejection (37 CFR 1.129(a))		1810	2810	750	375	For each additional invention to be examined (37CFR 1.129(b))		1801	2801	750	375	Request for Continued Examination (RCE)		1802	2802	900	900	Request for expedited examination of a design application		Other fee (specify)						SUBTOTAL (3)				(\$)	930.00		
Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid																																																																																																																																																																																								
1051	2051	130	65	Surcharge - late filing fee or oath																																																																																																																																																																																									
1052	2052	50	25	Surcharge - late provisional filing fee or cover sheet.																																																																																																																																																																																									
1053	2053	130	130	Non-English specification																																																																																																																																																																																									
1812	2520	1812	2,520	For filing a request for ex parte reexamination																																																																																																																																																																																									
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																									
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																									
1251	2251	110	55	Extension for reply within first month																																																																																																																																																																																									
1252	2252	410	205	Extension for reply within second month																																																																																																																																																																																									
1253	2253	930	465	Extension for reply within third month	930.00																																																																																																																																																																																								
1254	2254	1,450	725	Extension for reply within fourth month																																																																																																																																																																																									
1255	2255	1,970	985	Extension for reply within fifth month																																																																																																																																																																																									
1401	2401	320	160	Notice of Appeal																																																																																																																																																																																									
1402	2402	320	160	Filing a brief in support of an appeal																																																																																																																																																																																									
1403	2403	280	140	Request for oral hearing																																																																																																																																																																																									
1451	2451	1,510	755	Petition to institute a public use proceeding																																																																																																																																																																																									
1452	2452	110	55	Petition to revive - unavoidable																																																																																																																																																																																									
1453	2453	1,300	650	Petition to revive - unintentional																																																																																																																																																																																									
1501	2501	1,300	650	Utility issue fee (or reissue)																																																																																																																																																																																									
1502	2502	470	235	Design issue fee																																																																																																																																																																																									
1503	2503	630	315	Plant issue fee																																																																																																																																																																																									
1460	2460	130	130	Petitions to the Commissioner																																																																																																																																																																																									
1807	2807	50	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																																									
1806	2806	180	180	Submission of Information Disclosure Stmt																																																																																																																																																																																									
8021	8021	40	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																									
1809	2809	750	375	Filing a submission after final rejection (37 CFR 1.129(a))																																																																																																																																																																																									
1810	2810	750	375	For each additional invention to be examined (37CFR 1.129(b))																																																																																																																																																																																									
1801	2801	750	375	Request for Continued Examination (RCE)																																																																																																																																																																																									
1802	2802	900	900	Request for expedited examination of a design application																																																																																																																																																																																									
Other fee (specify)																																																																																																																																																																																													
SUBTOTAL (3)				(\$)	930.00																																																																																																																																																																																								
SUBMITTED BY		Complete (if applicable)																																																																																																																																																																																											
Name (Print/Type) Brenda J. Wallach		Registration No. (Attorney/Agent) 45,193																																																																																																																																																																																											
Signature <i>Brenda J Wallach</i>		Telephone (858) 720-7961																																																																																																																																																																																											
		Date July 28, 2003																																																																																																																																																																																											

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 273019357 US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Dated: July 28, 2003 Signature: *Diane Blevins* (Diane Blevins)